

RICHARD J. MIGLIACCIO, ESQ.
 410 Park Avenue, Ste. 1630
 New York, NY 10022
 Telephone: (212) 239-9900
 Facsimile: (212) 239-7468

Attorney for Defendant, Salim Assa a/k/a Solly Assa

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
)	
WATERSCAPE RESORT LLC,)	Case No. 11- 11593 (SMB)
)	
Debtor.)	
)	
PAVARINI MCGOVERN, LLC,)	
)	
Plaintiff,)	
)	
- against-)	Adv. Proc. No. 11-02248 (SMB)
)	
WATERSCAPE RESORT LLC, et al.)	
)	
Defendants.)	

NOTICE OF APPEAL

Defendant, Salim Assa a/k/a Solly Assa (“Defendant” or “Assa”), by and through his undersigned counsel, hereby appeals pursuant to 28 U.S.C. § 158(a), the *Memorandum Decision Granting in Part and Denying in Part Motions for Leave to Amend* [Doc. No. 195] and the *Order Regarding (1) Pavarini McGovern, LLC’s (“Pavarini”) Motion for Leave to Amend Complaint and (2) Waterscape Resort LLC’s Cross Motion to Amend Answer to Assert Counterclaims* [Doc. No. 198] denying Waterscape’s request to assert counterclaim for willful exaggeration of claim and granting Pavarini’s request to amend complaint to assert punitive damages.

The names of all parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

For the Debtor

Richard Migliaccio, Esq.
General Counsel
410 Park Avenue
16th Floor
New York, NY 10022
(212) 239-9900
richard@assaproperties.com

and

MEDINA LAW FIRM LLC
405 Lexington Avenue
Seventh Floor
New York, NY 10174
(212) 404-1742
emedina@medinafirm.com

Dated: December 30, 2014
New York, NY

For Individual Defendant Salim Assa a/k/a
Solly Assa

Harlan M. Lazarus, Esq.
Lazarus & Lazarus, P.C.
240 Madison Avenue, 8th Floor
New York, NY 10016
(212) 889-7400
hlazarus@lazarusandlazarus.com

Respectfully submitted,

/s/ Richard J. Migliaccio, Esq.

Richard J. Miglaiccio, Esq.
410 Park Avenue, Ste. 1630
New York, NY 10022
Telephone: (212) 239-9900
Facsimile: (212) 239-7468

*Attorney for Defendant, Salim Assa a/k/a
Solly Assa*

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2014, copies of the foregoing Notice of Appeal were served upon the parties listed below by depositing the same for first class mail delivery with the United States Postal Service:

Attorneys for Plaintiff

Eric W. Sleeper
Barton, LLP
420 Lexington Avenue
18th Floor
New York, NY 10170

Attorneys for Defendants

Harlan M. Lazarus, Esq.
Lazarus & Lazarus, P.C.
240 Madison Avenue, 8th Floor
New York, NY 10016
(212) 889-7400

MEDINA LAW FIRM LLC
The Chrysler Building
405 Lexington Avenue
Seventh Floor
New York, NY 10174
(212) 404-1742

Office of the U.S. Trustee

Richard C. Morrissey, Esq.
Office of the U.S. Trustee
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

/s/ Richard J. Migliaccio, Esq.

Richard J. Migliaccio, Esq.